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June 9, 2025

The Honorable Richard J. Andrews
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *VMware LLC v. Siemens AG et. al.*, C.A. No. 25-353 (RGA)

Dear Judge Andrews,

I write on behalf Defendants in response to Plaintiff VMware LLC's June 6, 2025 Letter. D.I. 15 ("Ltr"). Defendants provide this letter in response without waiver of any responses, defenses, or rights to VMware's Complaint.

Contrary to VMware's Letter, Siemens has not delayed this case in any way. VMware asserts that "Siemens AG insisted that the due date for all defendants' response to the complaint be extended to June 10." Ltr. 1. That is incorrect. As part of the parties' stipulation, Siemens AG, a foreign defendant, agreed to waive service and to respond 30 days *before* it would have been required to do so under the Federal Rule 4(d). Further, VMware was the party that proposed all Defendants respond on the same timetable. None of the Defendants have sought to delay this case in any way.

As for the substance of the Letter, VMware's interpretation of the rules is inconsistent with both the well-established practice of this Court and Local Rule 16.1.¹ Further, Defendants intend to move to dismiss this case, including dismissal of the case in its entirety pursuant to a forum selection clause and dismissal of Siemens AG for lack of personal jurisdiction. Defendants will so move tomorrow, June 10—the deadline agreed to by all parties to respond to the Complaint. Defendants will, of course, comply with any order of this Court, including one to engage in the conference requested by VMware. However, the best use of judicial and party resources would be

¹ Defendants are willing to provide a more fulsome response to VMware's arguments regarding the rules and the cited authority upon the Court's request.

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to postpone any discussion regarding discovery until after these motions are resolved (or at a minimum, fully briefed).

Respectfully,

/s/ Karen Jacobs

Karen Jacobs (#2881)

KJ/ds

cc: All Counsel of Record (via CM/ECF and e-mail)